

TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	Mail Stop 8	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following Patents or Trademarks:

DOCKET NO. 15cv933-RGA	DATE FILED 10/14/2015	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Blackbird Tech LLC	DEFENDANT Zoot Sports, Inc., and K-2 Corporation	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 7,867,058 B2	1/11/2011	Sweeney
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
See attached Notice of Voluntary Dismissal

CLERK JOHN A. CERINO, CLERK OF COURT	(BY) DEPUTY CLERK	DATE 1/13/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

<p>TO:</p> <p>Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	<p style="text-align: center;">REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</p>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following Patents or Trademarks:

DOCKET NO. 15cv931-RGA	DATE FILED 10/14/2015	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Blackbird Tech LLC		DEFENDANT New Balance Athletics, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 7,867,058 B2	1/11/2011	Sweeney
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	
See attached Notice of Voluntary Dismissal	

CLERK JOHN A. CERINO, CLERK OF COURT	(BY) DEPUTY CLERK	DATE 2/18/2016
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

<p>TO:</p> <p>Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	<p style="text-align: center;">REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</p>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following Patents or Trademarks:

DOCKET NO. 15cv932-RGA	DATE FILED 10/14/2015	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Blackbird Tech LLC		DEFENDANT Swoob, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 7,867,058 B2	1/11/2011	Sweeney
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
See attached Notice of Voluntary Dismissal		

CLERK JOHN A. CERINO, CLERK OF COURT	(BY) DEPUTY CLERK	DATE 4/8/2016
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AO 120 (Rev. 3/04)

Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Sm

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT	
15cv929-RGA	10/14/2015	DISTRICT OF DELAWARE	
PLAINTIFF		DEFENDANT	
Blackbird Tech LLC		ASICS America Corporation	
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 7,867,058 B2		1/11/2011	Sweeney
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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3			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT See attached Notice of Voluntary Dismissal		
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CLERK	(BY) DEPUTY CLERK	DATE
JOHN A. CERINO, CLERK OF COURT		3/21/2016

AO 120 (Rev. 3/04)

Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Sm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	01/11/2011	7867058	SWEENEY-001	2269

42586 7590 12/22/2010

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABOY ROAD ANNEX
DERRY, NH 03038

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Nancy-Jane Sweeney, Derry, NH;



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Dec-10

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABOY ROAD ANNEX
DERRY NH 03038

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Application of :
Nancy-Jane Sweeney :
Application Number: 11/787729 : ON PETITION
Filing Date: 04/17/2007 :
Attorney Docket Number: :
SWEENEY-001 :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on October 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on November 7, 2009, for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on August 6, 2009, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on November 19, 2009.

Receipt of the issue and publication fees is acknowledged.

The application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
Sweeney-001First named inventor: Sweeney, Nancy-JaneApplication No.: 11/787729 Art Unit: 3765Filed: 4/17/2007 Examiner: Hale, GloriaTitle: Sports Bra

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Notice of Allowance and Fee (identify type of reply):

has been filed previously on _____.

is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1055

has been paid previously on _____.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

Thomas Grodt

Type or Printed name

4 Peabody Road Annex

Address

Derry, NH 3038

Address

October 19, 2010

Date

41045

Registration Number, If applicable

603.490.4394

Telephone Number

Enclosures:

 Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Publication Fee**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/19/2010

Date



Signature

Thomas P. Grodt
Typed or printed name of person signing certificate

Electronic Patent Application Fee Transmittal

Application Number:	11787729			
Filing Date:	17-Apr-2007			
Title of Invention:	SPORTS BRA			
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney			
Filer:	Thomas Paul Grodt			
Attorney Docket Number:	SWEENEY-001			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition-revive unintent. abandoned appl	2453	1	810	810
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Utility Appl issue fee	2501	1	755	755
Publ. Fee- early, voluntary, or normal	1504	1	300	300
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1865

Electronic Acknowledgement Receipt

EFS ID:	8654019
Application Number:	11787729
International Application Number:	
Confirmation Number:	2269
Title of Invention:	SPORTS BRA
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Customer Number:	42586
Filer:	Thomas Paul Grodt
Filer Authorized By:	
Attorney Docket Number:	SWEENEY-001
Receipt Date:	19-OCT-2010
Filing Date:	17-APR-2007
Time Stamp:	14:36:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1865
RAM confirmation Number	924
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)

1		sweeney001.pdf	322934 c4952c9931d7d50985ce035d8f2db2f73dd 1c699	yes	4
Multipart Description/PDF files in .zip description					
Document Description		Start		End	
Issue Fee Payment (PTO-85B)		1		2	
Petition for review by the Office of Petitions.		3		4	

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	33405 973594a016d590f88ddae1a860225e74920 3d1a0	no	2
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Warnings:

Information:

Total Files Size (in bytes):	356339
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

42586 7590 08/06/2009

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABODY ROAD ANNEX
DERRY, NH 03038

EXAMINER

HALE, GLORIA M

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 08/06/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	SWEENEY-001	2269

TITLE OF INVENTION: SPORTS BRA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/06/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

or **Fax** (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42586 7590 08/06/2009

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABODY ROAD ANNEX
DERRY, NH 03038

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the **Mail Stop ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	SWEENEY-001	2269

TITLE OF INVENTION: SPORTS BRA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/06/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
HALE, GLORIA M.	3765	450-089000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date 10/19/2010

Typed or printed name

Thomas P. Grotz

Registration No. 41045

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	SWEENEY-001	2269
7590	11/19/2009		EXAMINER	
THOMAS P. GRODT ATTORNEY AT LAW 4 PEABODY ROAD ANNEX DERRY, NH 03038			HALE, GLORIA M	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			11/19/2009	PAPER

Notice of Abandonment

This application is abandoned in view of:

1. The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of ____ month(s)) which expired on _____.
 - (b) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____.
The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawing have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.
6. Drawings received on _____ were disapproved by examiner. See examiner's response dated _____.
7. Corrected drawings were received on _____, which is after the expiration of the one-month period for reply set in examiner's response dated _____.
8. No corrected drawings have been received in reply to one-month period set in examiner's response dated _____.
9. The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

42586 7590 08/06/2009

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABOY ROAD ANNEX
DERRY, NH 03038

EXAMINER

HALE, GLORIA M

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 08/06/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	SWEENEY-001	2269

TITLE OF INVENTION: SPORTS BRA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/06/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42586 7590 08/06/2009

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABOY ROAD ANNEX
DERRY, NH 03038

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the **Mail Stop ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	SWEENEY-001	2269

TITLE OF INVENTION: SPORTS BRA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/06/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
HALE, GLORIA M	3765	450-089000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1 _____

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	SWEENEY-001	2269
42586	7590	08/06/2009	EXAMINER	
THOMAS P. GRODT ATTORNEY AT LAW 4 PEABOY ROAD ANNEX DERRY, NH 03038				HALE, GLORIA M
ART UNIT		PAPER NUMBER		
3765				DATE MAILED: 08/06/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	11/787,729	SWEENEY, NANCY-JANE	
	Examiner	Art Unit	
	Gloria Hale	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 3-27-09 Amendment.
2. The allowed claim(s) is/are 1-15.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

/Gloria Hale/
Primary Examiner, Art Unit 3765

Index of Claims		Application/Control No.	Applicant(s)/Patent Under Reexamination
		11787729	
Examiner		Art Unit	
Gloria Hale		3765	

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant CPA T.D. R.1.47

CLAIM		DATE									
Final	Original	08/15/2008	08/01/2009								
	1	✓	=								
	2	✓	=								
	3	✓	=								
	4	✓	=								
	5	✓	=								
	6	✓	=								
	7	✓	=								
	8	✓	=								
	9	✓	=								
	10	✓	=								
	11	✓	=								
	12	✓	=								
	13	✓	=								
	14	✓	=								
	15	✓	=								

Issue Classification 	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11787729	SWEENEY, NANCY-JANE
Examiner	Art Unit	
	Gloria Hale	3765

NONE (Assistant Examiner)	(Date)	Total Claims Allowed:	
		15	
/Gloria Hale/ Primary Examiner. Art Unit 3765 (Primary Examiner)	7-31-09 (Date)	O.G. Print Claim(s)	O.G. Print Figure
		1	1

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11787729	SWEENEY, NANCY-JANE
	Examiner	Art Unit
	Gloria Hale	3765

SEARCHED

Class	Subclass	Date	Examiner
ALL UPDATED		8-14-08	gh
		7-30-09	gh

SEARCH NOTES

Search Notes	Date	Examiner

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner
EAST BRS SRCH HIST IN FILE		7-30-09	gh

	/Gloria Hale/ Primary Examiner.Art Unit 3765
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BIB DATA SHEET

CONFIRMATION NO. 2269

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/787,729		450	3765	Sweeney-001

APPLICANTS

Nancy-Jane Sweeney, Derry, NH;

** CONTINUING DATA *****

** FOREIGN APPLICATIONS *****

** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY **

05/11/2007

Foreign Priority claimed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NH	3	15	1

ADDRESS

THOMAS P. GRODT ATTORNEY AT LAW
 4 PEABOY ROAD ANNEX
 DERRY, NH 03038
 UNITED STATES

TITLE

Sports bra

FILING FEE RECEIVED 500	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

EAST Search History**EAST Search History (Interference)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	0	bra and cup and cleavage and portion and first and second and laminated and ply and elasticity and top and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:16
L3	0	bra and cup and portion and first and second and laminated and ply and elasticity and top and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:16
L4	0	bra and cup and first and second and laminated and ply and elasticity and top and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:16

L5	0	bra and cup and first and second and laminated and ply and top and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:17
L6	0	bra and cup and first and second and laminated and ply and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:17
L7	0	bra and cup and laminated and ply and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:17
L8	0	bra and cup and laminated and opening and integral and pouch	US-PGPUB	OR	OFF	2009/08/01 17:17
L9	0	bra and cup and cleavage and portion and first and second and laminated and ply and elasticity and top and opening and integral and pouch	UPAD	OR	OFF	2009/08/01 17:18

L10	0	bra and cup and cleavage and portion and first and second and laminated and ply and elasticity and top and opening and integral and pouch	USPAT; UPAD	OR	OFF	2009/08/01 17:18
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8/ 1/ 2009 5:18:49 PM



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MAILED

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABOY ROAD ANNEX
DERRY, NH 03038

MAY 19 2009

OFFICE OF PETITIONS

In re Application of
Nancy-Jane Sweeney :
Application No. 11/787,729 :
Filed: April 17, 2007 :
Attorney Docket No. Sweeney-001 :
:

ON PETITION

This is a decision in response to the petition, filed March 27, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

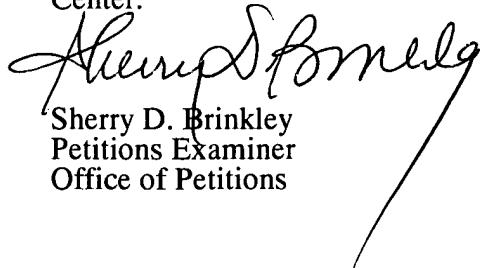
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 21, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 22, 2008. A Notice of Abandonment was mailed on March 4, 2009. In response, on March 27, 2009, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the response filed March 27, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 11/787,729

Filing Date: April 17, 2007

Inventors: Nancy-Jane Sweeney

Title: SPORTS BRA

Docket No.: Sweeney-001

Examiner: Gloria M. Hale

Art Unit: 3765

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 27, 2009.

/Thomas P. Grodt/
Thomas Grodt

M.S. Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY**

Dear Sir:

Applicant hereby petitions for revival of this application.

- (1) A payment in the amount of \$810.00 for payment of the fee to revive an unintentionally abandoned application (37 CFR 1.17(m)) is provided herewith.
- (2) A Reply to the Office Action mailed August 21, 2008, is attached hereto.

(3) Since this utility patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

(4) STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.37(b) was unintentional. This statement has been made by the undersigned after conducting an investigation into the facts and circumstances that led to the delay.

Respectfully Submitted

Dated: March 27, 2009

/Thomas P. Grodt/
Tom Grodt
Registration No. 41,045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 11/787,729

Filing Date: April 17, 2007

Inventors: Nancy-Jane Sweeney

Title: SPORTS BRA

Docket No.: Sweeney-001

Examiner: Gloria M. Hale

Art Unit: 3765

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 27, 2009.

/Thomas P. Grodt/
Thomas Grodt

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Action mailed August 21, 2008, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A sports bra capable of holding an object between the breasts of a user, said bra comprising:

 a pair of cups, said cups joined by a cleavage portion said cleavage portion being disposed between a proximate edge of each of said pair of cups said cleavage portion having a height and width, a back strap portion disposed between a distal edge of each of said pair of cups, a pair of shoulder straps disposed between said pair of cups and said back portion, said bra being constructed of at least twofirst and second ply ply laminated material having substantially universal elasticity; and

 a top opening formed between first and second-plies of said at least twoply laminated material wherein said top opening allows communication between an interior portion of said sports bra formed between said first and second plies and an exterior, said top opening being disposed within the cleavage portion of cleavage portion and an exterior, said top opening having a length, an integral pouch being formed within said interior portion of said sports bra between said first and second plies being formed by first and second edges, said first and second edges and said integral pouch being formed within said cleavage portion and said first and second edges being separate spaced apart from one another having a distance therebetween, said top opening and said first and second edges forming a integral pouch within said cleavage portion,

said integral pouch having an interior pouch portion formed by said top opening and said first and second edges within said first and second plies within which an object may be stored.

2.(Original) The sports bra of claim 1 wherein the top opening has a length that is less than said distance between said first and second edges.

3. (Original) The sports bra of claim 1 wherein the first and second edges are separated between 1 and 2 $\frac{1}{4}$ inches.

4. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 and 1 $\frac{1}{4}$ inches.

5. (Original) The sports bra of claim 4 wherein the top opening has a length of between $\frac{3}{4}$ and 1 $\frac{1}{8}$ inches.

6. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{1}{4}$ and 1 $\frac{1}{2}$ inches.

7. (Original) The sports bra of claim 6 wherein the top opening has a length of between 1 $\frac{1}{8}$ and 1 $\frac{3}{8}$ inches.

8. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{1}{2}$ and 1 $\frac{3}{4}$ inches.

9. (Original) The sports bra of claim 8 wherein the top opening has a length of between 1 $\frac{3}{8}$ and 1 $\frac{5}{8}$ inches.

10. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{3}{4}$ and 2 inches.

11. (Original) The sports bra of claim 10 wherein the top opening has a length of between 1 5/8 and 1 7/8 inches.

12. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 2 and 2 1/4 inches.

13. (Original) The sports bra of claim 12 wherein the top opening has a length of between 1 7/8 and 2 1/8 inches.

14. (Original) The sports bra of claim 1 further comprising a top edge and a bottom edge wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges extend from said top edge to said bottom edge and said integral pouch is formed the entire height of said sports bra.

15. (Original) The sports bra of claim 1 further comprising a top edge and a bottom edge and a integral pouch bottom edge, wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges begin at said top edge and extend a portion of said height, said integral pouch formed between said top opening, said first and second edges, and said integral pouch bottom edge

REMARKS/ARGUMENTS

Claims 1-15 are rejected under 35 USC § 112, second paragraph for failing to particularly point out and claim the subject matter which applicant regards as the invention. The Applicant has amended the claims to include “sports” in the preamble to avoid any confusion.

Claim 1 has been amended to overcome the 112 second paragraph issue and to more clearly and distinctly claim the Applicant’s invention

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 1-15 under 35 U.S.C. § 103(a) as being obvious in light of Lee (US Patent 2,624,881) in view of by Underhill (US Patent 6,176,761) and Huang (US Patent 6,824,444). Applicant respectfully traverses the rejection of these claims as amended and requests reconsideration.

The Examiner alleges that Lee discloses a multi-ply brassiere 10 with layers 11, 12 bonded together by sewn seems 13. The Examiner further alleges that Lee includes cups 14, 15 and a central cleavage portion with a pocket disposed therein (not numbered) with side wall stitching 24. A top opening is formed between the first and second plies wherein the plies are not laminated together to form the opening.

The Applicant respectfully points out that the Lee patent is directed to a halter top to be worn by young girls as an exterior piece of clothing and not a brassiere to be worn by women as an undergarment. Additionally, the pouch formed in Lee is formed between pocket wall pieces 22 and 23 that are added to the internal space of the Lee garment in order to form the pocket. In Lee, 10 is the front panel formed of two pieces 11 and 12 stitched together via stitching 13. In particular, “In the center of the front panel or piece there is disposed between the layers 11 and 12 thereof, pocket wall pieces 22 and 23. A stitching 24 along the sides and bottom form the pocket opening. The wall piece 22 is stitched at 25 to the front piece 12 of the panel, Fig. 5. The wall piece 223 is stitched to the front piece over the panel along with slide fastener 26 to form the lower edge of an inlet opening 27. Lee col. 1 line 49 to col. 2 line 5.

Thus, unlike the claimed invention in which the pocket is formed between the first and second plies that actually form the sports bra structure, in Lee the pocket is formed between pocket pieces 22 and 23 that have to be inserted into the interior of the halter top thereby increasing the time and expense of manufacturing. In particular, claim 1 now includes that the pouch is formed integrally between the first and second plies that are used to form the sports bra itself. Claim 1 in pertinent part states:

 said bra being constructed of first and second ply laminated material having substantially universal elasticity; and ..., an integral pouch being formed within said interior portion of said sports bra between said first and second plies being formed by first and second edges ... a top opening formed between first and second-plies of said at least two ply-laminated material wherein said top opening allows communication between an interior portion of said sports bra formed between said first and second plies and an exterior, ... said integral pouch having an interior pouch portion formed by said top opening and said first and second edges within said first and second plies within which an object may be stored

Thus, the interior of the pouch is formed within the interior of the sports bra itself, i.e., between two the first and second plies of the multiply structure of the bra itself, and is not formed using additional pocket wall pieces such as 22 and 23 as taught in Lee. .

The Examiner has provided that the combination of Lee, Underhill and Huang together teach the claimed invention. In particular, Underhill teaches a brassiere comprised of universally elastic material with a cleavage pocket therein. Huang is relied upon by the Examiner for the use of adhesive laminating instead of stitching layers together in order to securely stabilize the layers to prevent shifting of the layers. The Examiner asserts that the combination of the Lee garment constructed of the universally elastic material of Underhill, laminated together using the teachings of Huang would teach each and every element of the claimed invention.

As discussed above, Lee fails to teach that the pouch is formed between the first and second plies of the material that is used to form the sports bra. Rather, Lee teaches that

additional material is added in the form of pocket wall pieces 22 and 23. Underhill teaches a pouch that is external to the brassiere, in particular Underhill teaches: "A rectangular panel 21 made of cloth having substantially universal elasticity is fastened along its bottom 23 and side edges 25 and 27 to an inside wall of the cleavage portion 15 of the bra 10 to form a storage pouch of approximately credit card dimensions." See Underhill, col. 2, lines 61-65. Fig. 2 is "[A] rear elevation view of the cup portion of the sports bra." See Underhill, col. 2, line 36-37. As is clearly shown in Fig. 2, the pouch formed by rectangular panel 21, having side edges 25 and 27, is drawn using solid lines so that the rectangular panel 21 is clearly disposed on the rear exterior surface of the sports bra. This comports with the description quoted above in that the inside wall of the cleavage portion 15 is the portion of the bra that is next to the wearer's skin and the pouch is formed on the exterior of the sports bra.

In addition, Fig. 6 depicts an embodiment of the Underhill invention in which it appears that the pouch may be formed within the sports bra itself. This, however, would be incorrect. Fig. 6 depicts a vertical cross sectional view of the pouch. The pouch itself is formed between element 57, which is in back to back configuration with element 59, both of which are part of the cleavage portion 15 of the sports bra. The external cover for the pouch is formed by cloth segments 51 and 53 and may include the stiffener member 55 as well. Thus, the pouch is, again, formed external to the bra structure and is attached to the cleavage portion 15 using hook and loop fasteners 33 and 31.

Huang fails to teach the use of pouch anywhere in the brassiere itself and is merely provided for the use of laminating materials together.

Thus, the claimed invention clearly claims that the interior of the pouch is formed within the interior of the sports bra itself, i.e., between first and second plies of the multiply structure of the sports bra itself, and is not formed from additional material as in Lee nor is the pouch formed external to the sports bra as taught in Underhill.

The Examiner needs to show that the features of the prior art in combination meet all of the limitations set forth in the applicant's claims. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The applicant's claims specifically claims a pouch

formed within the interior of the sports bra multi-ply structure itself, i.e., between the first and second plies forming the sports bra and not formed by additional material, i.e., as taught in Lee, nor being external to the sports bra as taught in Underhill. The Examiner has not met the burden of showing that the cited references disclose the limitations concerning the specific location of each feature in claims. Therefore, as claim 1 is patentably distinguishable from the combination of Lee in view of Underhill and Huang. The rejection is respectfully traversed. Claims 2-14 depend from claim 1 and are patentable for at least the same reasons as claim 1.

Summary and Conclusions

Based on the foregoing arguments, it is respectfully submitted that Claims 1-15 that are now pending in this application are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below. No further fees are believed due.

Respectfully submitted,

Date: March 27, 2009

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Electronic Patent Application Fee Transmittal

Application Number:	11787729
Filing Date:	17-Apr-2007
Title of Invention:	Sports bra
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Filer:	Thomas Paul Grodt
Attorney Docket Number:	Sweeney-001

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
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Basic Filing:

Pages:

Claims:

Miscellaneous-Filing:

Petition:

Petition-revive unintent. abandoned appl	2453	1	810	810
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Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	555	555
Miscellaneous:				
Total in USD (\$)				1365

Electronic Acknowledgement Receipt

EFS ID:	5050373
Application Number:	11787729
International Application Number:	
Confirmation Number:	2269
Title of Invention:	Sports bra
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Customer Number:	42586
Filer:	Thomas Paul Grodt
Filer Authorized By:	
Attorney Docket Number:	Sweeney-001
Receipt Date:	27-MAR-2009
Filing Date:	17-APR-2007
Time Stamp:	15:30:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1365
RAM confirmation Number	876
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)

1	Petition for review by the Office of Petitions.	petrevive.pdf	28198 bf9137425bdec682ae0b78a1b743918ee98 2d55c	no	2
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Warnings:

Information:

2	Amendment/Req. Reconsideration-After Non-Final Reject	AmndtC.pdf	47686 e2ba87fc942b37f039380a424f667b8fea72 261c	no	8
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Warnings:

Information:

3	Fee Worksheet (PTO-06)	fee-info.pdf	31382 61c5e44f1687b2e69f764c8ab3fb707263c0 308b	no	2
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/787,729	Filing Date 04/17/2007	<input type="checkbox"/> To be Mailed																																																																																																																
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	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE																																																																																																														
	(Column 1)	(Column 2)	(Column 3)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)																																																																																																															
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)																																																																																																														
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		X \$ =																																																																																																														
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	(Column 1)	(Column 2)	(Column 3)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)																																																																																																															
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>																																																																																																																						
<p>Legal Instrument Examiner: /DENISE t. LILES/</p>																																																																																																																						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	Sweeney-001	2269
42586	7590	03/04/2009	EXAMINER	
THOMAS P. GRODT ATTORNEY AT LAW			HALE, GLORIA M	
4 PEABODY ROAD ANNEX				
DERRY, NH 03038			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No.	Applicant(s)	
	11/787,729	SWEENEY, NANCY-JANE	
	Examiner Gloria Hale	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 21 August 2008.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

/Gloria Hale/
Primary Examiner, Art Unit 3765

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/787,729	04/17/2007	Nancy-Jane Sweeney	Sweeney-001

CONFIRMATION NO. 2269

42586

THOMAS P. GRODT ATTORNEY AT LAW
4 PEABODY ROAD ANNEX
DERRY, NH 03038

PUBLICATION NOTICE



OC000000032749068

Title:Sports bra

Publication No.US-2008-0261489-A1

Publication Date:10/23/2008

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	Sweeney-001	2269
42586	7590	08/21/2008	EXAMINER	
THOMAS P. GRODT ATTORNEY AT LAW			HALE, GLORIA M	
4 PEABODY ROAD ANNEX				
DERRY, NH 03038			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			08/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/787,729	SWEENEY, NANCY-JANE	
	Examiner	Art Unit	
	Gloria Hale	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 8-5-08 RCE/Amendment.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Amended claim 1 no longer includes the term “sports” in the preamble limiting the garment of a “sports bra”. However, the dependent claims still include the term “sports”. Therefore it is not clear if applicant is calling a sports bra or a regular bra.

However, the claims as best understood have been examined on their merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 2,624,881) in view of Underhill (US 6,176,761) and Huang (US 6824444). Lee discloses a multi ply brassiere 10 with the layers 11,12 bonded together by sewn seams 13.. The bra includes cups at 14,15 and a central cleavage portion with a pocket disposed therein (not numbered). with side wall stitching 24.. A top opening is formed between the first and second plies wherein the plies are not laminated together

to form the opening. The pocket includes the height and width as claimed. However, the Lee garment is not formed of a universally elastic material and the layers are not coextensively laminated throughout. Underhill discloses a brassiere comprised of a universally elastic material with a cleavage pocket therein. Huang discloses the use of adhesive laminating instead of stitching layers together in order to securely stabilize the layers together to prevent shifting of the layers. Such substitution of lamination for stitching is well known in the brassiere art as seen in Haung. Accordingly it would have been oblivious to one having ordinary skill in the art at the time the invention was made to modify the brassiere of Lee to adhere the layers together by lamination instead of stitching in addition to constructing the brassiere of a universally elastic material to provide comfort to the wearer as seen in Underhill. The Lee garment includes the multiple layers and it is well known to utilize lamination bonding instead of stitching in order to prevent the shifting of the layers especially during laundering. (See Huang, col. 1, lines 10-31; Lee figures 1-4 and 6 and col. 1, line 36- col. 2, line 8; and Underhill, Abstract.). It is also noted that applicant's own specification on page 5 paragraph 17 states that the two or more plies of material "sewn or otherwise laminated together". Therefore, applicant concedes that the layers can be sewn together instead of laminated and such sewing and lamination are well known to be interchangeable. No critically was given in applicant's specification as to the specific need for the lamination over the sewing together of the layers. The specific pocket and opening sizes can be found through routine experimentation and are within the scope of the Lee invention. One of ordinary skill in the art at the time the invention was made would have had the

skill and common sense to known how to adjust the pocket size for the size of the wearer and for the items that are desired to be known within the pocket.

Response to Arguments

Applicant's arguments filed have been fully considered and are persuasive in view of the claim amendments. Therefore, the new rejection has been made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Mon.-Thurs...

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gloria Hale/

Application/Control Number: 11/787,729
Art Unit: 3765

Page 5

Primary Examiner, Art Unit 3765

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		11/787,729	SWEENEY, NANCY-JANE	
		Examiner	Art Unit	Page 1 of 1
		Gloria Hale	3765	

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,624,881	01-1953	DUNSON LEE JENNIE	450/89
*	B	US-6,824,444	11-2004	Huang, Guoxian	450/57
*	C	US-6,176,761	01-2001	Underhill, Annette K.	450/89
*	D	US-6,464,717	10-2002	Smith et al.	607/108
*	E	US-6,811,464	11-2004	Li, Zhonglin	450/57
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11787729	SWEENEY, NANCY-JANE
	Examiner	Art Unit
	Gloria Hale	3765

SEARCHED			
Class	Subclass	Date	Examiner
ALL UPDATED		8-14-08	gh

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/Gloria Hale/ Primary Examiner.Art Unit 3765
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Index of Claims		Application/Control No.	Applicant(s)/Patent Under Reexamination
		11787729	
Examiner		Art Unit	
Gloria Hale		3765	

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant CPA T.D. R.1.47

CLAIM		DATE									
Final	Original	08/15/2008									
	1	✓									
	2	✓									
	3	✓									
	4	✓									
	5	✓									
	6	✓									
	7	✓									
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	9	✓									
	10	✓									
	11	✓									
	12	✓									
	13	✓									
	14	✓									
	15	✓									

PLUS Search Results for S/N 11787729, Searched Thu Aug 14 08:28:32 EDT 2008

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

6517410 88	20060223414 52
4816005 79	
20050255789 79	
20060025039 79	
20070021034 79	
20050164602 78	
20070209096 71	
6068538 68	
6176761 68	
6318613 62	
6443805 62	
6811462 62	
20050085160 62	
20080026676 62	
6165045 61	
6168497 61	
6198204 61	
6231488 61	
7275977 61	
7364491 61	
20030166375 61	
20050101221 61	
20070131231 61	
20070155283 61	
20070249264 61	
20080032600 61	
20040069924 55	
4294257 54	
4859048 54	
5208614 54	
5566393 54	
5800226 54	
5870772 54	
5954681 54	
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6264570 54	
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6718675 54	
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20030195065 54	
20070051658 54	
20070264458 54	
20070264891 54	
20080066229 54	
7325317 54	
20060277773 54	
4538615 52	
4956878 52	
20020121273 52	

Electronic Patent Application Fee Transmittal

Application Number:	11787729				
Filing Date:	17-Apr-2007				
Title of Invention:	Sports bra				
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney				
Filer:	Thomas Paul Grodt				
Attorney Docket Number:	Sweeney-001				
Filed as Small Entity					
Utility Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Utility filing Fee (Electronic filing)		4011	1	75	75
Utility Search Fee		2111	1	255	255
Utility Examination Fee		2311	1	105	105
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	525	525
Miscellaneous:				
Total in USD (\$)		960		

Electronic Acknowledgement Receipt

EFS ID:	3731774
Application Number:	11787729
International Application Number:	
Confirmation Number:	2269
Title of Invention:	Sports bra
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Customer Number:	42586
Filer:	Thomas Paul Grodt
Filer Authorized By:	
Attorney Docket Number:	Sweeney-001
Receipt Date:	05-AUG-2008
Filing Date:	17-APR-2007
Time Stamp:	15:35:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment Submitted/Entered with Filing of CPA/RCE	amendment_response_for_rce.pdf	740398 539d0fb82ed68b7425345b1cf3eb46054 28f8162	no	8

Warnings:

Information:

2	Request for Continued Examination (RCE)	RCE_transmittal.pdf	426815 9aa6ff5d27fdb904a526528a98d8b7403 cb3748d	no	1
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Warnings:

This is not a USPTO supplied RCE SB30 form.

Information:

3	Fee Worksheet (PTO-06)	fee-info.pdf	8517 09c039c4bbe2282da13bcb5c673cc8eb 59116e4a	no	2
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Warnings:

Information:

Total Files Size (in bytes):	1175730
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 11/787,729

Filing Date: April 17, 2007

Inventors: Nancy-Jane Sweeney

Title: SPORTS BRA

Docket No.: Sweeney-001

Examiner: Gloria M. Hale

Art Unit: 3765

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 5, 2008.



Thomas Grodt

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-identified application prior to examination as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A sports bra capable of holding an object between the breasts of a user, said bra comprising:

a pair of cups, said cups joined by a cleavage portion said cleavage portion being disposed between the a proximate edges of each of said pair of cups said cleavage portion having a height and a width, a back strap portion disposed between the a distal edges of each of said pair of cups, a pair of shoulder straps disposed between said pair of cups and said back portion, said sports bra being constructed of a multi-ply at least two ply laminated material having substantially universal elasticity; and

a top opening formed between two first and second plies of said multi-ply at least two ply laminated material, wherein at said top opening said first and second ply are not laminated to one another, said top opening providing communication between an interior portion of said sports bra cleavage portion and an exterior, said top opening being disposed within the cleavage portion of said sports bra, said top opening having a length, an integral pouch being formed within said interior of said sports bra by first and second edges, said first and second edges and said integral pouch being formed within said cleavage portion and said first and second edges being spaced apart from one another having a distance therebetween and each of said first and second edges extending at least a portion of the height of said cleavage portion, said integral pouch having an interior pouch portion formed by said top opening and said first and second edges within which

an the object may be stored, said interior pouch portion being a portion of said interior portion of said cleavage portion.

2.(Original) The sports bra of claim 1 wherein the top opening has a length that is less than said distance between said first and second edges.

3. (Original) The sports bra of claim 1 wherein the first and second edges are separated between 1 and 2 $\frac{1}{4}$ inches.

4. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 and 1 $\frac{1}{4}$ inches.

5. (Original) The sports bra of claim 4 wherein the top opening has a length of between $\frac{3}{4}$ and 1 1/8 inches.

6. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{1}{4}$ and 1 $\frac{1}{2}$ inches.

7. (Original) The sports bra of claim 6 wherein the top opening has a length of between 1 1/8 and 1 3/8 inches.

8. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{1}{2}$ and 1 $\frac{3}{4}$ inches.

9. (Original) The sports bra of claim 8 wherein the top opening has a length of between 1 3/8 and 1 5/8 inches.

10. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{3}{4}$ and 2 inches.

11. (Original) The sports bra of claim 10 wherein the top opening has a length of between 1 5/8 and 1 7/8 inches.

12. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 2 and 2 ¼ inches.

13. (Original) The sports bra of claim 12 wherein the top opening has a length of between 1 7/8 and 2 1/8 inches.

14. (Original) The sports bra of claim 1 further comprising a top edge and a bottom edge wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges extend from said top edge to said bottom edge and said integral pouch is formed the entire height of said sports bra.

15. (Original) The sports bra of claim 1 further comprising a top edge and a bottom edge and a integral pouch bottom edge, wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges begin at said top edge and extend a portion of said height, said integral pouch formed between said top opening, said first and second edges, and said integral pouch bottom edge

REMARKS/ARGUMENTS

The Applicant has filed a timely Request for Continuing Examination and has included this Preliminary Amendment to address the rejections in the Final Office Action.

In the final office action dated February 5, 2008, claims 1-15 are rejected under 35 USC § 112, second paragraph for failing to particularly point out and claim the subject matter which applicant regards as the invention. Claims 1-15 were rejected under 35 USC § 102(b) as being anticipated by Underhill (US Patent 6,176,761).

Claim 1 has been amended to overcome the particular rejections under 35 USC §112 second paragraph as recited by the Examiner so as to more clearly and distinctly claim the Applicant's invention.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Underhill. Applicant respectfully traverses the rejection of these claims as amended.

The Examiner alleges that the pocket formed in Underhill has a top opening 21 and is within plies 11 and 19. The Applicant respectfully points out that element 11 is one of the cup of the sports bra, see Underhill, col. 2, line 58 and that there is no element 19. In addition, the storage pouch is never assigned an element number and element 21 is a rectangular cloth panel that is used to form the pouch external to the sports bra.

The Applicant's bra includes a pouch formed in the interior of the at least two ply structure of the bra itself, i.e., within the interior of the bra itself without the addition of an additional layer of material, whereas Underhill teaches a pouch formed on the exterior of the sports bra using an additional layer of material.

In particular, Underhill teaches "A rectangular panel 21 made of cloth having substantially universal elasticity is fastened along its bottom 23 and side edges 25 and 27 to an inside wall of the cleavage portion 15 of the bra 10 to form a storage pouch of approximately credit card dimensions." See Underhill, col. 2, lines 61-65. Fig. 2 is "[A] rear elevation view of

the cup portion of the sports bra." See Underhill, col. 2, line36-37. As is clearly shown in Fig. 2, the pouch formed by rectangular panel 21, having side edges 25 and 27, is drawn using solid lines so that the rectangular panel 21 is clearly disposed on the rear exterior surface of the sports bra. This comports with the description quoted above in that the inside wall of the cleavage portion 15 is the portion of the bra that is next to the wearer's skin and the pouch is formed on the exterior of the sports bra.

In addition, Fig. 6 depicts an embodiment of the Underhill invention in which it appears that the pouch may be formed within the sports bra itself. This, however, would be incorrect. Fig. 6 depicts a vertical cross sectional view of the pouch. The pouch itself is formed between element 57, which is in back to back configuration with element 59, both of which are part of the cleavage portion 15 of the sports bra. The external cover for the pouch is formed by cloth segments 51 and 53 and may include the stiffener member 55 as well. Thus, the pouch is, again, formed external to the bra structure and is attached to the cleavage portion 15 using hook and loop fasteners 33 and 31.

Claim 1 has been amended to clarify the location of the integral pouch as being between two of the plies that make up the sports bra and therefore within the interior of the sports bra itself. In particular, as amended claim 1 includes:

a pair of cups, said cups joined by a cleavage portion said cleavage portion being disposed between the a proximate edges of each of said pair of cups said cleavage portion having a height and a width, a back strap portion disposed between the a distal edges of each of said pair of cups, a pair of shoulder straps disposed between said pair of cups and said back portion, said sports bra being constructed of a multi-ply at least two ply laminated material having substantially universal elasticity; and

a top opening formed between two first and second plies of said multi-ply at least two ply laminated material, wherein at said top opening said first and second ply are not laminated to one another, said top opening providing communication between an interior portion of said sports bra cleavage portion and an exterior, said top opening being disposed within the cleavage portion of said sports bra, said top opening having a length, an integral pouch being formed within said interior of said sports bra by first and second edges, said first and second edges and said integral pouch being formed within said cleavage portion and said first and second edges being spaced apart from one another having a distance therebetween and each of said first and second edges extending at least a

portion of the height of said cleavage portion, said integral pouch having an interior pouch portion formed by said top opening and said first and second edges within which an the object may be stored, said interior pouch portion being a portion of said interior portion of said cleavage portion..

Thus, the interior of the pouch is formed within the interior of the sports bra itself, i.e., between first and second plies of the at least two ply structure of the bra itself, and is not external to the sports bra as taught in Underhill.

The Examiner needs to show that the features meet all of the limitations set forth in the applicant's claims. Section 2131 of the MPEP requires that "to anticipate a claim, the reference must teach every element of the claim." "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The applicant's claims specifically claims a pouch formed within the interior of the sports bra multi-ply structure itself and not external to the sports bra as taught in Underhill. The Examiner has not met the burden of showing that the cited reference discloses the limitations concerning the specific location of each feature in claims. Therefore, as claim 1 is patentably distinguishable from Underhill. The rejection is respectfully traversed. Claims 2-14 depend from claim 1 and are patentable for at least the same reasons as claim 1.

Summary and Conclusions

Based on the foregoing arguments, it is respectfully submitted that Claims 1-15 that are now pending in this application are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below. No further fees are believed due.

Respectfully submitted,

Date: August 5, 2007



Thomas P. Grodt
Attorney for Applicant
Registration No. 41,045
4 Peabody Road Annex,
Derry, NH 03038
(603) 437-2600

Electronic Patent Application Fee Transmittal

Electronic Patent Application Fee Transmittal				
Application Number:	11787729			
Filing Date:	17-Apr-2007			
Title of Invention:	Sports bra			
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney			
Filer:	Thomas Paul Grodt			
Attorney Docket Number:	Sweeney-001			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	525	525

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				930

Electronic Acknowledgement Receipt

EFS ID:	3732206
Application Number:	11787729
International Application Number:	
Confirmation Number:	2269
Title of Invention:	Sports bra
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Customer Number:	42586
Filer:	Thomas Paul Grodt
Filer Authorized By:	
Attorney Docket Number:	Sweeney-001
Receipt Date:	05-AUG-2008
Filing Date:	17-APR-2007
Time Stamp:	16:03:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 930
RAM confirmation Number	1417
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

1	Fee Worksheet (PTO-06)	fee-info.pdf	8275 40a202b0a3e129273941fb0ebc8dfc60 c37158b5	no	2
Warnings:					
Information:					
Total Files Size (in bytes):					8275
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p>New Applications Under 35 U.S.C. 111 If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p>National Stage of an International Application under 35 U.S.C. 371 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p>New International Application Filed with the USPTO as a Receiving Office If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Electronic Patent Application Fee Transmittal

Application Number:	11787729				
Filing Date:	17-Apr-2007				
Title of Invention:	Sports bra				
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney				
Filer:	Thomas Paul Grodt				
Attorney Docket Number:	Sweeney-001				
Filed as Small Entity					
Utility Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Utility filing Fee (Electronic filing)		4011	1	75	75
Utility Search Fee		2111	1	255	255
Utility Examination Fee		2311	1	105	105
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	525	525
Miscellaneous:				
Total in USD (\$)		960		

Electronic Acknowledgement Receipt

EFS ID:	3732045
Application Number:	11787729
International Application Number:	
Confirmation Number:	2269
Title of Invention:	Sports bra
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Customer Number:	42586
Filer:	Thomas Paul Grodt
Filer Authorized By:	
Attorney Docket Number:	Sweeney-001
Receipt Date:	05-AUG-2008
Filing Date:	17-APR-2007
Time Stamp:	15:52:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (PTO-06)	fee-info.pdf	8517 2fed7e304da911807d83dae396f7ab84 a3af10a	no	2

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/787,729		Filing Date 04/17/2007		<input type="checkbox"/> To be Mailed		
APPLICATION AS FILED – PART I						OTHER THAN SMALL ENTITY				
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/>		OR		
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)		
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A		N/A		
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A		N/A		
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A		N/A		
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		* <input type="checkbox"/>		X \$ =		X \$ =		
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		* <input type="checkbox"/>		X \$ =		X \$ =		
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
TOTAL						TOTAL				
(Column 1)						(Column 2)				
(Column 3)						OTHER THAN SMALL ENTITY				
AMENDMENT	08/05/2008		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		SMALL ENTITY	
	Total (37 CFR 1.16(i))		* 15		Minus		** 20		= 0	
	Independent (37 CFR 1.16(h))		* 1		Minus		***3		= 0	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								X \$ =	
	TOTAL ADD'L FEE						RATE (\$)			
	0						ADDITIONAL FEE (\$)			
(Column 1)						(Column 2)				
(Column 3)						OTHER THAN SMALL ENTITY				
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)	
	Total (37 CFR 1.16(i))		* <input type="checkbox"/>		Minus		** <input type="checkbox"/>		= <input type="checkbox"/>	
	Independent (37 CFR 1.16(h))		* <input type="checkbox"/>		Minus		*** <input type="checkbox"/>		= <input type="checkbox"/>	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								X \$ =	
	TOTAL ADD'L FEE						RATE (\$)			
	0						ADDITIONAL FEE (\$)			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.										
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".										
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										
This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.										
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.										
Legal Instrument Examiner: /STEFANIE BRYCE/										

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request
for
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	11/787,729
Filing Date	April 17, 2007
First Named Inventor	Sweeney, Nancy-Jane
Art Unit	3765
Examiner Name	Gloria M. Hale
Attorney Docket Number	Sweeney-001

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/ Declaration(s) iv. Other _____

2 Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3

Fees

i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other _____

b. Check in the amount of \$ _____

c. Payment by credit card (Form PTO-2038 enclosed)

Payment by credit card (Form PTO-2038 enclosed)

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature	<i>St. R. Reed</i>	Date	8-5-04
Name (Print/Type)	Thomas B. Gandy	Registration No.	41446

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Officer on the date shown below.
Signature Thomas P. Grindt
Name (Print/Type) Thomas P. Grindt Date 8-5-03

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	Sweeney-001	2269
42586	7590	02/05/2008	EXAMINER	
THOMAS P. GRODT ATTORNEY AT LAW 4 PEABOY ROAD ANNEX DERRY, NH 03038			HALE, GLORIA M	
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
02/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	11/787,729	SWEENEY, NANCY-JANE
	Examiner	Art Unit
	Gloria Hale	3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 December 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1-15, applicant is claiming a sports bra. However, no specific structure has been claimed to differentiate the claimed brassiere structure as being a "sports bra". Therefore it is not clear as to what applicant's claim limitations of a "sports bra" encompasses. In claim 1, line 2 it is not clear as to what "the proximate edges" encompasses since there is no antecedent basis for the term. There is also no antecedent basis for "the distal edges" therefore it is not clear as to which edges applicant considers to be the "distal edges". In line 5 it is not clear as to what the limitation "sports bra" is adding to the claim in the way of structure when compared to a regular brassiere. If the layers of the brassiere are a multiply laminated structure it is not clear as to how a "top opening" is formed therein. In that area the plies must not be connected. It is also not clear if the "top opening" is along the edges of the plies or extend into the panels. The claim does not clearly define that the opening extends from the top or edge into the body of the brassiere or that the plies are not laminated in that area. It is not clear if the "integral pouch" formed includes additional layers or if the layers that exist form the pouch. It is not clear if the edges are to run horizontally or

vertically. It is not clear if the integral pouch and the integral pouch portion are the same or different "entities. It appears that the claim is redundant because lines 11 and 15 both state that the interior pouch is formed within the first and second edges. In claims 14 and 15 it is not clear as to what "portion" of the sports bra has the "height". Is it in the front or the rear?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Underhill (US 6,176,761).

Underhill discloses a brassiere formed of a multi-ply substantially universally elastic material with cups 11,13 and cleavage portion 15 there between, a back strap 75, shoulder straps 71,73 with the top opening at 31 within plies 15 and 21 as seen in figure 5 that form the pocket. The pocket has the top opening length between the first and second edges 25,27 that is the size of a credit card as seen in figure 1.(See Underhill, figures 1-3 and col. 2, line 55-col. 3, line 39). The pocket sizes claimed are within the claimed range of a credit card. Applicant's claim does not clearly define how the opening and pouch is formed between the multiply structure since applicant claims the layers as being laminated. Therefore it is not clear as to how the opening and pouch

is formed when the layers are laminated together. The claim is not exactly clear if each layer is a laminated layer or if all of the layers are laminated together.

Response to Arguments

Applicant's arguments filed 12-4-07 have been fully considered but they are not persuasive. The claims are still unclear. If the clarity in regard to the Multi-ply laminated layers is clarified the claims may overcome the teaching in the Underhill prior art. However, when the exact structure is clarified in the claims an updated search will have to be made. The claims are still not clear in regard to the multiply construction and the pocket location in addition to the construction of the pocket within laminated plies of the layers are all laminated together in the cleavage area.

Conclusion

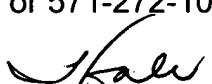
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gloria Hale
Primary Examiner
Art Unit 3765

Search Notes**Application/Control No.**

11/787,729

Examiner

Gloria Hale

Applicant(s)/Patent under Reexamination

SWEENEY, NANCY-JANE

Art Unit

3765

SEARCHED

Class	Subclass	Date	Examiner
	89,39	8/17/07	GN
	58		
450	54,57		
	36		
2	267		
	247		
	update	2/12/08	GN

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Patent Inv. Search 2/12/08		
IDS flag	2/12/08	GN

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

Index of Claims

Application/Control No.
11/787,729
Applicant(s)/Patent under Reexamination
SWEENEY, NANCY-JANE
Examiner
Gloria Hale
Art Unit
3765

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date	
Final	Original	
1	✓	
2	✓	
3	✓	
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 PALM Intranet

Application Number

IDS Flag Clearance for Application 11787729



Content	Mailroom Date	Entry Number	IDS Review	Last Modified	Reviewer
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PLUS Search Results for S/N 11787729, Searched Mon Jan 14 15:09:31 EST 2008

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

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6517410 64	
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20070004315 58	
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6168497 54	
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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

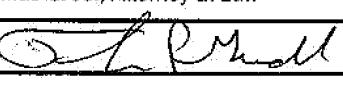
Total Number of Pages in This Submission

Application Number	11/787,729
Filing Date	April 17, 2006
First Named Inventor	Nancy-Jane Sweeney
Art Unit	3765
Examiner Name	Gloria M. Hale
Total Number of Pages in This Submission	Sweeney-001

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	<input type="checkbox"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thomas Grodt, Attorney at Law		
Signature			
Printed name	Thomas Grodt		
Date	December 4, 2007	Reg. No.	41,045

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Thomas Grodt	Date	December 4, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 11/787,729
Filing Date: April 17, 2007
Inventors: Nancy-Jane Sweeney
Title: SPORTS BRA
Docket No.: Sweeney-001
Examiner: Gloria M. Hale
Art Unit: 3765

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2007.


Thomas Grodt

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the time for response to the Official Action dated August 22, 2007 be extended for a one (1) month period of time to end December 22, 2007, under the provisions of new Section 1.136. The fee of (4) called for by Section 1.17 is to be paid herewith.

Application No.: 11/787,729
Filed: April 17, 2007
TC Art Unit: 3765
Confirmation No.: 2269

Small Entity Status is entitled to be, and hereby is asserted for this application.

This petition and the fee accompany applicant's response to the Official Action.

Respectfully submitted,

NANCY-JANE SWEENEY

Respectfully submitted,

Date: December 4, 2007



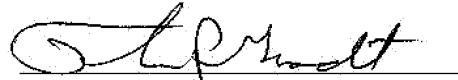
Thomas P. Grodt
Attorney for Applicant
Registration No. 41,045
4 Peabody Road Annex,
Derry, NH 03038
(603) 437-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 11/787,729
Filing Date: April 17, 2007
Inventors: Nancy-Jane Sweeney
Title: SPORTS BRA
Docket No.: Sweeney-001
Examiner: Gloria M. Hale
Art Unit: 3765

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2007.


Thomas Grodt

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Action mailed August 1, 2007, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A sports bra comprising:

a pair of cups, said cups joined by a cleavage portion disposed between the proximate edges of said pair of cups, a back strap portion disposed between the distal edges of said pair of cups, a pair of shoulder straps disposed between said pair of cups and said back portion, said sports bra being constructed of a multi-ply laminated material having substantially universal elasticity; and

a top opening formed between ~~one or more~~ two plies of said multi-ply laminated material providing communication between an interior portion of said sports bra and an exterior, said top opening being and disposed within the cleavage portion of said sports bra, said top opening having a length, an integral pouch being formed within said interior of said sports bra by first and second edges, said first and second edges and said integral pouch being formed within said cleavage portion and said first and second edges being separate spaced apart from one another having a distance therebetween, ~~said top opening and said first and second edges forming a integral pouch within said cleavage portion, said integral pouch having an interior pouch portion formed by said top opening and said first and second edges~~ within which an object may be stored.

2.(Original) The sports bra of claim 1 wherein the top opening has a length that is less than said distance between said first and second edges.

3. (Original) The sports bra of claim 1 wherein the first and second edges are separated between 1 and 2 $\frac{1}{4}$ inches.
4. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 and 1 $\frac{1}{4}$ inches.
5. (Original) The sports bra of claim 4 wherein the top opening has a length of between $\frac{3}{4}$ and 1 $\frac{1}{8}$ inches.
6. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{1}{4}$ and 1 $\frac{1}{2}$ inches.
7. (Original) The sports bra of claim 6 wherein the top opening has a length of between 1 $\frac{1}{8}$ and 1 $\frac{3}{8}$ inches.
8. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{1}{2}$ and 1 $\frac{3}{4}$ inches.
9. (Original) The sports bra of claim 8 wherein the top opening has a length of between 1 $\frac{3}{8}$ and 1 $\frac{5}{8}$ inches.
10. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 1 $\frac{3}{4}$ and 2 inches.
11. (Original) The sports bra of claim 10 wherein the top opening has a length of between 1 $\frac{5}{8}$ and 1 $\frac{7}{8}$ inches.
12. (Original) The sports bra of claim 3 wherein the first and second edges are separated between 2 and 2 $\frac{1}{4}$ inches.

13. (Original) The sports bra of claim 12 wherein the top opening has a length of between 1 7/8 and 2 1/8 inches.

14. (Original) The sports bra of claim 1 further comprising a top edge and a bottom edge wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges extend from said top edge to said bottom edge and said integral pouch is formed the entire height of said sports bra.

15. (Original) The sports bra of claim 1 further comprising a top edge and a bottom edge and a integral pouch bottom edge, wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges begin at said top edge and extend a portion of said height, said integral pouch formed between said top opening, said first and second edges, and said integral pouch bottom edge

REMARKS/ARGUMENTS

Claims 1-4 are rejected under 35 USC § 112, second paragraph for failing to particularly point out and claim the subject matter which applicant regards as the invention. Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by Underhill (US Patent 6,176,761). The Applicant points out that there were 15 original claims in the application, of which only claim 1 was independent and claims 2-15 depended ultimately from claim 1. Although the Examiner has only rejected claims 1-4, the Applicant assumes that claims 5-15 are also rejected on the same basis as the only independent claim, claim 1.

Claim 1 has been amended to overcome the 112 second paragraph issue and to more clearly and distinctly claim the Applicant's invention

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Underhill. Applicant respectfully traverses the rejection of these claims as amended and requests reconsideration.

The Examiner alleges that the pocket formed in Underhill has a top opening 21 and is within plies 11 and 19. The Applicant respectfully points out that element 11 is one of the cup of the sports bra, see Underhill, col. 2, line 58 and that there is no element 19. In addition, the storage pouch is never assigned an element number and element 21 is a rectangular cloth panel that is used to form the pouch external to the sports bra.

The Applicant's sports bra includes a pouch formed in the interior of the multi-ply structure of the bra itself, whereas Underhill teaches a pouch formed on the exterior of the sports bra.

In particular, Underhill teaches "A rectangular panel 21 made of cloth having substantially universal elasticity is fastened along its bottom 23 and side edges 25 and 27 to an inside wall of the cleavage portion 15 of the bra 10 to form a storage pouch of approximately credit card dimensions." See Underhill, col. 2, lines 61-65. Fig. 2 is "[A] rear elevation view of

the cup portion of the sports bra." See Underhill, col. 2, line36-37. As is clearly shown in Fig. 2, the pouch formed by rectangular panel 21, having side edges 25 and 27, is drawn using solid lines so that the rectangular panel 21 is clearly disposed on the rear exterior surface of the sports bra. This comports with the description quoted above in that the inside wall of the cleavage portion 15 is the portion of the bra that is next to the wearer's skin and the pouch is formed on the exterior of the sports bra.

In addition, Fig. 6 depicts an embodiment of the Underhill invention in which it appears that the pouch may be formed within the sports bra itself. This, however, would be incorrect. Fig. 6 depicts a vertical cross sectional view of the pouch. The pouch itself is formed between element 57, which is in back to back configuration with element 59, both of which are part of the cleavage portion 15 of the sports bra. The external cover for the pouch is formed by cloth segments 51 and 53 and may include the stiffener member 55 as well. Thus, the pouch is, again, formed external to the bra structure and is attached to the cleavage portion 15 using hook and loop fasteners 33 and 31.

Claim 1 has been amended to clarify the location of the integral pouch as being between two of the plies that make up the sports bra and therefore within the interior of the sports bra itself. In particular, as amended claim 1 includes:

~~a top opening formed between one or more two plies of said multi-ply laminated material providing communication between an interior portion of said sports bra and an exterior, said top opening being and disposed within the cleavage portion of said sports bra, said top opening having a length, an integral pouch being formed within said interior of said sports bra by first and second edges, said first and second edges and said integral pouch being formed within said cleavage portion and said first and second edges being separate spaced apart from one another having a distance therebetween, said top opening and said first and second edges forming a integral pouch within said cleavage portion, said integral pouch having an interior pouch portion formed by said top opening and said first and second edges within which an object may be stored.~~

Thus, the interior of the pouch is formed within the interior of the sports bra itself, i.e., between two plies of the multiply structure of the bra itself, and is not external to the sports bra as taught in Underhill.

The Examiner needs to show that the features meet all of the limitations set forth in the applicant's claims. Section 2131 of the MPEP requires that "to anticipate a claim, the reference must teach every element of the claim." "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The applicant's claims specifically claims a pouch formed within the interior of the sports bra multi-ply structure itself and not external to the sports bra as taught in Underhill. The Examiner has not met the burden of showing that the cited reference discloses the limitations concerning the specific location of each feature in claims. Therefore, as claim 1 is patentably distinguishable from Underhill. The rejection is respectfully traversed. Claims 2-14 depend from claim 1 and are patentable for at least the same reasons as claim 1.

Summary and Conclusions

Based on the foregoing arguments, it is respectfully submitted that Claims 1-15 that are now pending in this application are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below. No further fees are believed due.

Respectfully submitted,

Date: December 4, 2007



Thomas P. Grodt
Attorney for Applicant
Registration No. 41,045
4 Peabody Road Annex,
Derry, NH 03038
(603) 437-2600

Electronic Patent Application Fee Transmittal

Electronic Patent Application Fee Transmittal				
Application Number:	11787729			
Filing Date:	17-Apr-2007			
Title of Invention:	Sports bra			
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney			
Filer:	Thomas Paul Grodt			
Attorney Docket Number:	Sweeney-001			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	2251	1	60	60

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				60

Electronic Acknowledgement Receipt

EFS ID:	2542441
Application Number:	11787729
International Application Number:	
Confirmation Number:	2269
Title of Invention:	Sports bra
First Named Inventor/Applicant Name:	Nancy-Jane Sweeney
Customer Number:	42586
Filer:	Thomas Paul Grodt
Filer Authorized By:	
Attorney Docket Number:	Sweeney-001
Receipt Date:	04-DEC-2007
Filing Date:	17-APR-2007
Time Stamp:	10:56:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$60
RAM confirmation Number	5969
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part/.zip	Pages (if appl.)

1	Amendment - After Non-Final Rejection	response_to_patent_office_action.pdf	1229887 e5107076ac5a34846eedab1e7731033 a8dcb4806	no	10
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8109 9540d5312bddf3c11d6a6f2e551fa335b 29c2af6	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				1237996	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p>New Applications Under 35 U.S.C. 111 If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p>National Stage of an International Application under 35 U.S.C. 371 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p>New International Application Filed with the USPTO as a Receiving Office If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/787,729	04/17/2007	Nancy-Jane Sweeney	Sweeney-001	2269
42586	7590	08/22/2007	EXAMINER	
THOMAS P. GRODT ATTORNEY AT LAW 4 PEABODY ROAD ANNEX DERRY, NH 03038			HALE, GLORIA M	
		ART UNIT	PAPER NUMBER	
		3765		
		MAIL DATE	DELIVERY MODE	
		08/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/787,729	SWEENEY, NANCY-JANE	
	Examiner	Art Unit	
	Gloria Hale	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 April 2007 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9 it is not clear as to what the “first and second edges” are formed within. It is the pocket or pouch edges that are formed within the cleavage portion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Underhill (US 6,176,761).

Underhill discloses a brassiere formed of a multi-ply substantially universally elastic material 11, 19 including cups 13,15 with a cleavage portion therebetween, a back strap 75, shoulder straps 71,73 with the top opening at 21 within plies 11 and 19 that form the pocket 21. The pocket has the top opening length between first and second edges

25,27 of the claimed length which is the size of a credit card as seen in figure 1. (See Underhill, figures 1-3 and col. 2, line 55-figure 3, line 39).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984.

The examiner can normally be reached on Tues.-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gloria Hale
Primary Examiner
Art Unit 3765

Notice of References Cited		Application/Control No. 11/787,729	Applicant(s)/Patent Under Reexamination SWEENEY, NANCY-JANE	
		Examiner Gloria Hale	Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,624,881	01-1953	DUNSON LEE JENNIE	450/89
*	B	US-2,593,711	04-1952	WEATHERLY ANDREW E	450/89
*	C	US-6,517,410	02-2003	Underhill, Annette K.	450/1
*	D	US-6,176,761	01-2001	Underhill, Annette K.	450/89
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims

Application/Control No.

11/787,729

Applicant(s)/Patent under
Reexamination

SWEENEY, NANCY-JANE

Examiner

Gloria Hale

Art Unit

3765

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date
Final	Original
1	✓
2	✓
3	✓
4	✓
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Search Notes 	Application/Control No. 11/787,729	Applicant(s)/Patent under Reexamination SWEENEY, NANCY-JANE
Examiner Gloria Hale	Art Unit 3765	

 PALM Intranet

Application Number

IDS Flag Clearance for Application 11787729

 IDS Information

Content	Mailroom Date	Entry Number	IDS Review	Last Modified	Reviewer
<input type="button" value="Update"/>					



Inventor Name Search

Enter the **first few letters** of the Inventor's Last Name.
Additionally, enter the **first few letters** of the Inventor's First name.

Last Name**First Name**

To go back use Back button on your browser toolbar.

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	112	brassiere and laminate\$	USPAT	OR	OFF	2007/08/18 14:13
L2	24	L1 and pocket	USPAT	OR	OFF	2007/08/18 14:14
L3	17	L2 and elastic\$	USPAT	OR	OFF	2007/08/18 14:14



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/787,729	04/17/2007	3765	500	Sweeney-001	15	1

CONFIRMATION NO. 2269

42586
THOMAS P. GRODT
FOREMAN CORCORAN TORR GRODT & GERRIN, PA
P. O. BOX 1330
74 GILCREST ROAD
LONDONDERRY, NH03053

FILING RECEIPT

Date Mailed: 05/14/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Nancy-Jane Sweeney, Derry, NH;

Assignment For Published Patent Application

Lyoness Sportswear, LLC a New Hampshire Limited Liability Company

Power of Attorney: The patent practitioners associated with Customer Number 42586

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/11/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/787,729**

Projected Publication Date: 10/23/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Sports bra

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the

subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PATENT APPLICATION SERIAL NO. _____

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET**

04/19/2007 TNGUYEN2 00000032 11787729

01 FC:2011	150.00 OP
02 FC:2111	250.00 OP
03 FC:2311	100.00 OP

PTO-1556
(5/87)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875 Effective December 8, 2004

Application or Docket Number

11787729

APPLICATION AS FILED - PART I

(Column 1) (Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(e), (h), or (i))	N/A	N/A
SEARCH FEE (37 CFR 1.16(h), (i), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(q), (p), or (q))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(l))	1 minus 20 =	0
INDEPENDENT CLAIMS (37 CFR 1.16(m))	1 minus 3 =	0
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(l))		

RATE (\$)	FEES (\$)
N/A	150.00
N/A	\$250
N/A	\$100
X\$ 25	
X100	
	+180=

TOTAL 500

RATE (\$)	FEES (\$)
N/A	300.00
N/A	\$500
N/A	\$200
X\$50	
X200	
	+360=

TOTAL

APPLICATION AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(j))		Minus	**	=
Independent (37 CFR 1.16(m))		Minus	***	=
Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(l))				

RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25	
X100	
	+180=
	TOTAL ADD'L FEE

TOTAL ADD'L FEE

RATE (\$)	ADDITIONAL FEE (\$)
X\$50	
X200	
	+360=
	TOTAL ADD'L FEE

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(j))		Minus	**	=
Independent (37 CFR 1.16(m))		Minus	***	=
Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(l))				

RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25	
X100	
	+180=
	TOTAL ADD'L FEE

TOTAL ADD'L FEE

RATE (\$)	ADDITIONAL FEE (\$)
X\$50	
X200	
	+360=
	TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments and suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CLAIMS ONLY						SERIAL NO	11787729	FILING DATE
						APPLICANT(S)		
						CLAIMS		
AS FILED		AFTER 1ST AMENDMENT		AFTER 2ND AMENDMENT				
IND	DEP	IND	DEP	IND	DEP	IND	DEP	IND
1						51		
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47						97		
48						98		
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50						100		
TOTAL IND.						TOTAL IND.		
TOTAL DEP.	10					TOTAL DEP.		
TOTAL CLAIMS						TOTAL CLAIMS		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	Sweeney-001
First Inventor	Nancy-Jane Sweeney
Title	Sports Bra
Express Mail Label No.	ED 471065102 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. **Fee Transmittal Form** (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. **Applicant claims small entity status.**
See 37 CFR 1.27.
3. **Specification** [Total Pages 11]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(e))
4. **Drawing(s)** (35 U.S.C. 113) [Total Sheets 3]
5. **Oath or Declaration** [Total Sheets 1]
 - a. Newly executed (original or copy)
 - b. A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. **Application Data Sheet.** See 37 CFR 1.76
7. **CD-ROM or CD-R** in duplicate, large table or
Computer Program (Appendix)
 - Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, items a. – c. are required)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner _____ Art Unit: _____

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> The address associated with Customer Number:	42586	OR	<input type="checkbox"/> Correspondence address below
Name _____			
Address _____			
City _____	State _____	Zip Code _____	
Country _____	Telephone _____	Email _____	
Signature			Date April 16, 2007
Name (Print/Type)	Thomas P. Grodt		Registration No. (Attorney/Agent) 41,045

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

 Applicant claims small entity status. See 37 CFR 1.27
TOTAL AMOUNT OF PAYMENT (\$)500.00

Complete if Known

Application Number	
Filing Date	April 16, 2007
First Named Inventor	Nancy-Jane Sweeney
Examiner Name	
Art Unit	
Attorney Docket No.	Sweeney-001

METHOD OF PAYMENT (check all that apply)

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 Deposit Account Deposit Account Number: _____ Deposit Account Name: Thomas Grodt

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	\$500.00
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
15	- 20 or HP =	0	x 0 = 0	50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180
1	- 3 or HP =	0	x 0 = 0	0	0
HP = highest number of independent claims paid for, if greater than 3.					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
11	- 100 = 0	/ 50 = 0 (round up to a whole number)	x 0 = 0	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

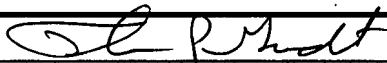
Other (e.g., late filing surcharge): _____

Fees Paid (\$)

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0

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 41,045	Telephone 603.437.2600
Name (Print/Type)	Thomas Grodt		Date April 16, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	Sweeney-001
First Inventor	Nancy-Jane Sweeney
Title	Sports Bra
Express Mail Label No.	ED 471065102 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

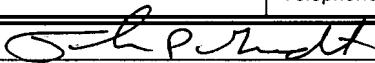
1. **Fee Transmittal Form** (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. **Applicant claims small entity status.**
See 37 CFR 1.27.
3. **Specification** [Total Pages 11]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(e))
4. **Drawing(s)** (35 U.S.C. 113) [Total Sheets 3]
5. **Oath or Declaration** [Total Sheets 1]
 - a. Newly executed (original or copy)
 - b. A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. **Application Data Sheet.** See 37 CFR 1.76
7. **CD-ROM or CD-R** in duplicate, large table or
Computer Program (Appendix)
 - Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, items a. – c. are required)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner _____ Art Unit: _____

19. CORRESPONDENCE ADDRESS

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Name _____			
Address _____			
City _____	State _____	Zip Code _____	
Country _____	Telephone _____	Email _____	
Signature			Date April 16, 2007
Name (Print/Type)	Thomas P. Grodt		Registration No. (Attorney/Agent) 41,045

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

 Applicant claims small entity status. See 37 CFR 1.27
TOTAL AMOUNT OF PAYMENT (\$)500.00

Complete if Known

Application Number	
Filing Date	April 16, 2007
First Named Inventor	Nancy-Jane Sweeney
Examiner Name	
Art Unit	
Attorney Docket No.	Sweeney-001

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: _____ Deposit Account Name: Thomas Grodt

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Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

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HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180
1	- 3 or HP =	0	x 0 = 0	0	0
HP = highest number of independent claims paid for, if greater than 3.					

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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
11	- 100 = 0	/ 50 = 0 (round up to a whole number)	x 0 = 0	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

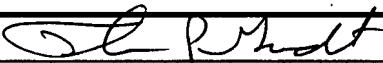
Other (e.g., late filing surcharge): _____

Fees Paid (\$)

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SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 41,045	Telephone 603.437.2600
Name (Print/Type)	Thomas Grodt		Date April 16, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SPORTS BRA

Background

[001] This invention relates generally to clothing and more particularly to sports bras for women.

[002] Fitness has become an important consideration among women. Women today enjoy running, walking, biking, aerobics, and weight lifting. Often a woman will want to listen to music while exercising and desires to bring along an mp3 player or other small portable music device. These devices, while small, must either be carried, attached to a piece of clothing, or carried in belt pack or other pack.

[003] The inclusion within a bra of a structure to hold or store an item is known. Some storage devices are clipped onto the bra via clips. These storage devices tend to be conspicuous and not aesthetically pleasing. Other prior art storage devices were built inside one or both of the cups. While more aesthetically pleasing, these devices are typically less comfortable and less accessible for the wearer. Still other prior art devices affix a compartment to the inside of the bra across the inside portion of the cups and cleavage area that is typically closed with a zipper or other rigid closing means to maintain the shape of the bra. These devices solve the aesthetic issues but render a significant portion of the bra inelastic. Other prior art devices use additional material attached to the bra itself to form a pocket. These devices are typically less structurally

sound and the additional material may pull away from the bra during exercise and allow any objects contained therein to fall out.

[004] Thus, there is a need for a bra with a storage integral pouch that does not alter the elasticity of the bra itself, is structurally sound and not prone to come loose during exercise, is comfortable, and is aesthetically pleasing.

SUMMARY

[005] A sports bra having an integral storage integral pouch disposed within the cleavage portion is disclosed. The integral pouch is formed by a top opening between two-ply of the multi-ply material that the sports bra is comprised of and first and second edges that are formed within the multi-ply material. The multi-ply material is laminated together and has universal elasticity to provide support for the wearer as well as the necessary tension to hold an object stored in the integral pouch in place. The first and second edges may be formed by sewing and the distance between the first and second edges may be selected to be slightly less than the width of an object to be stored within the integral pouch or the distance may be substantially equal to the width of the object to be stored. In addition, the top opening may be such that the length of the top opening is slightly less than the distance between the first and second edges.

[006] A sports bra is disclosed that includes a pair of cups that are joined by a cleavage portion that is between the proximate edges of the pair of cups. The sports bra also includes a back strap portion that is between the distal edges of the pair of cups and a pair of shoulder straps disposed between the pair of cups and the back portion. The sports bra is constructed of a multi-ply laminated material having universal elasticity to provide the necessary support for the wearer.

[007] An integral pouch is formed between a top opening formed between the plies of the laminated material and first and second edges formed within the multi-ply material. The integral pouch is formed within the cleavage portion of the sports bra, the top opening has a first length, and the distance between the first and second edges is a second length. The integral pouch has an interior portion within which an object may be stored.

[008] In one embodiment, the integral pouch is formed between the top and bottom of the sports bra extending the entire height thereof. In another embodiment, the integral pouch is less than the height of the sports bra and further includes a bottom edge formed roughly perpendicular to the first and second edges and formed between the first and second edges to completely enclose the interior of the integral pouch.

[009] In one embodiment, the distance between the first and second edges is selected to be slightly less than the object to be held therebetween. The length of the top opening may be selected to be

substantially equivalent to the distance between the first and second edges, or the length of the top opening may be slightly less than the distance between the first and second edges.

[0010] This is the second paragraph under the summary.

BRIEF DESCRIPTION OF THE DRAWINGS

[0011] These and other features, aspects, and advantages of the present invention will become better understood with regard to the following description, appended claims, and accompanying drawings. The drawings are not necessarily to scale, emphasis instead being placed on illustration of principles of the invention. The drawings include the following figures:

[0012] Fig. 1 is a front elevation view of an embodiment of the present invention;

[0013] Fig. 2 is a back elevation view of an embodiment of the present invention; and

[0014] Fig. 3 is cross sectional view taken along line 3-3' of Fig. 1.

DETAILED DESCRIPTION OF THE DRAWINGS

[0015] The present invention may be understood by the following detailed description, which should be read in conjunction with the attached drawings. The following detailed description of certain embodiments is by way of example only and is not meant to limit the scope of the present invention.

[0016] Figs. 1 and 2 depict a sports bra 10 having front portion 11 including a pair of cups 12 and 14 joined by a cleavage portion 16 disposed between the proximate edges of the cups 12 and 14. A back portion 22 is disposed between the distal edges of cups 12 and 14 and straps 18 and 20 are provided connecting the front portion 11 to the back portion 22.

[0017] Typically the sports bra 10 will be constructed of two or more plies of material sewn or otherwise laminated together to provide sufficient tensile strength. In addition, the two or more plies form a laminated structure that is universally elastic so as to provide adequate support and comfort to the wearer.

[0018] As depicted in Figs. 1 and 3, an integral pouch 24 is formed within the structure of the sports bra 10 by forming a top opening 26 between the two or more plies 28a and 28b that form the sports bra 10 and by sewing or otherwise forming two edges 30 and 32 of the integral pouch 24. Although a two-ply structure is shown, it should be obvious to one of ordinary skill in the art that the integral pouch may be formed between any number of plies. Typically, the top opening 26 will be made in the middle of the plies with an equal number of plies on each side of the top opening 26. Typically, the edges 30 and 32 are formed by sewing from the edges 34 to the bottom edge 36. If needed, the edges 36 and 38 may be folded over to provide greater strength.

[0019] In one embodiment, the distance between edges 30 and 32 is selected to be just slightly smaller than the width of the object that is to be placed in integral pouch 24. In this embodiment, the universal elastic characteristic of the multi-ply material will contract around the object, effectively holding the object in place. In another embodiment, the distance the between edges 30 and 32 is selected to be substantially the same size as the object to be stored. In either of these embodiments, the top opening 26 may be made slightly smaller than the size of the object to be stored such that the universal elastic characteristic of the multi-ply material will cause the top opening 26 to contract and prevent the object from falling out of integral pouch 24.

[0020] As discussed above, the integral pouch 24 is formed between the bottom edge 38, side edges 30 and 32 and the top opening 26. In this way, the height of the integral pouch 24 is substantially equal to the height between the edge 34 and bottom edge 36. In some instances, the object to be placed in integral pouch 24 may be much shorter than the height between the edge 34 and bottom edge 36. In this instance, the object may move within integral pouch 24 causing discomfort for the wearer. In this instance, the integral pouch 24 may be made shorter by forming a pouch bottom edge (not shown) extending between the edges 30 and 32.

[0021] While the present invention has been particularly shown and described with references to preferred embodiments thereof, it will be understood by those skilled in the art that various changes in form and

details may be made therein without departing from the spirit and scope of the invention as defined by the appended claims. All the features disclosed in this specification, including any accompanying claims, abstract, and drawings, may be replaced by alternative features serving the same, equivalent or similar purpose, unless expressly stated otherwise.

CLAIMS

What is claimed is:

1. A sports bra comprising:

a pair of cups, said cups joined by a cleavage portion disposed between the proximate edges of said pair of cups, a back strap portion disposed between the distal edges of said pair of cups, a pair of shoulder straps disposed between said pair of cups and said back portion, said sports bra being constructed of a multi-ply laminated material having substantially universal elasticity; and

a top opening formed between one or more plies of said laminated material and disposed within the cleavage portion of said sports bra said top opening having a length, first and second edges formed within said cleavage portion and separate from one another having a distance therebetween, said top opening and said first and second edges forming a integral pouch within said cleavage portion, said integral pouch having an interior portion within which an object may be stored.

2. The sports bra of claim 1 wherein the top opening has a length that is less than said distance between said first and second edges.

3. The sports bra of claim 1 wherein the first and second edges are separated between 1 and 2 1/4 inches.

4. The sports bra of claim 3 wherein the first and second edges are separated between 1 and 1 1/4 inches.

5. The sports bra of claim 4 wherein the top opening has a length of between $\frac{3}{4}$ and 1 1/8 inches.
6. The sports bra of claim 3 wherein the first and second edges are separated between 1 1/4 and 1 1/2 inches.
7. The sports bra of claim 6 wherein the top opening has a length of between 1 1/8 and 1 3/8 inches.
8. The sports bra of claim 3 wherein the first and second edges are separated between 1 1/2 and 1 3/4 inches.
9. The sports bra of claim 8 wherein the top opening has a length of between 1 3/8 and 1 5/8 inches.
10. The sports bra of claim 3 wherein the first and second edges are separated between 1 3/4 and 2 inches.
11. The sports bra of claim 10 wherein the top opening has a length of between 1 5/8 and 1 7/8 inches.
12. The sports bra of claim 3 wherein the first and second edges are separated between 2 and 2 1/4 inches.
13. The sports bra of claim 12 wherein the top opening has a length of between 1 7/8 and 2 1/8 inches.
14. The sports bra of claim 1 further comprising a top edge and a bottom edge wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges extend from said top edge to said

bottom edge and said integral pouch is formed the entire height of said sports bra.

15. The sports bra of claim 1 further comprising a top edge and a bottom edge and a integral pouch bottom edge, wherein said height of said sports bra is between said top edge and said bottom edge, wherein said first and second edges begin at said top edge and extend a portion of said height, said integral pouch formed between said top opening, said first and second edges, and said integral pouch bottom edge

ABSTRACT

A sports bra having an integral storage integral pouch disposed within the cleavage portion is disclosed. The integral integral pouch is formed by a top opening between two ply of the multi-ply material that the sports bra is comprised of and first and second edges that are formed within the multi-ply material. The multi-ply material is laminated together and has universal elasticity to provide support for the wearer as well as the necessary tension to hold an object stored in the integral pouch in place. The first and second edges are formed by sewing and the distance between the first and second edges is selected to be slightly less than the width of an object to be stored within the integral pouch. In addition, the top opening may be such that the length of the top opening is slightly less than the distance between the first and second edges.

SPORTS BRA
Inventor: Nancy Jane Sweeney
Sweeney-001
Fig. 1 of 3

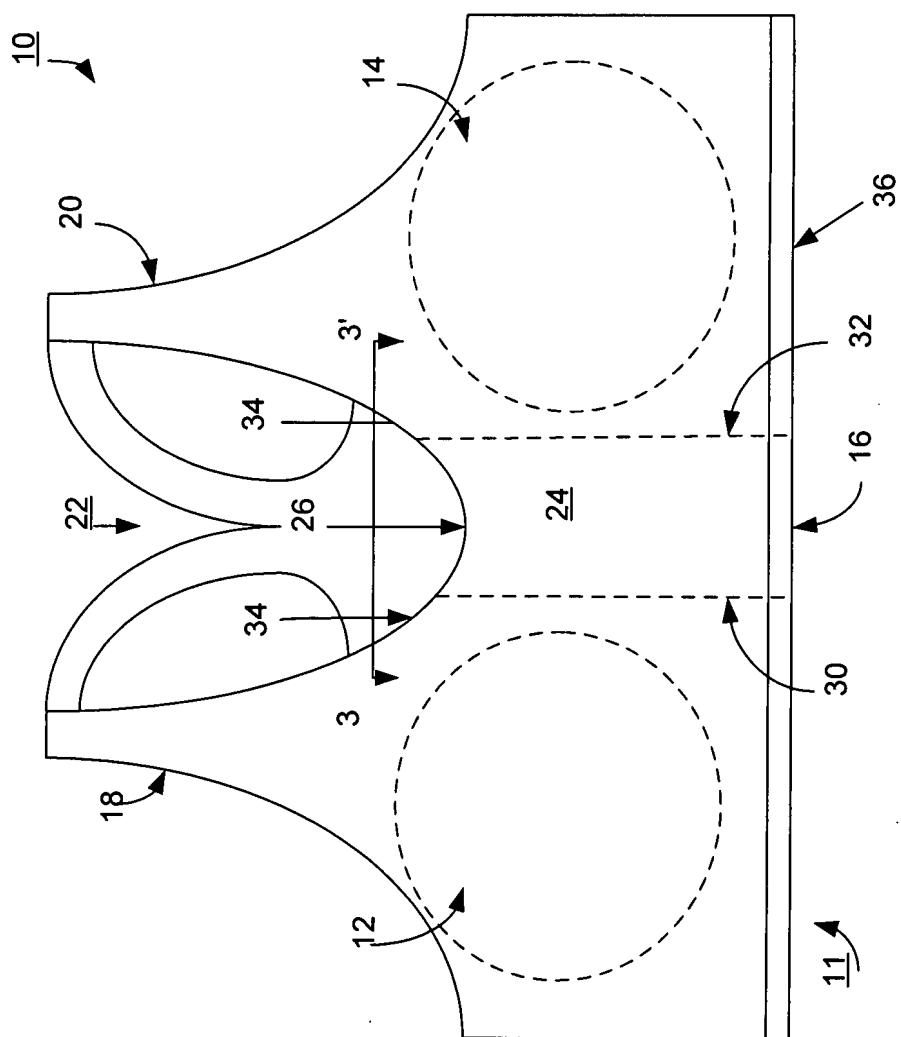


Fig. 1

SPORTS BRA
Inventor: Nancy Jane Sweeney
Sweeney-001
Fig. 3 of 3

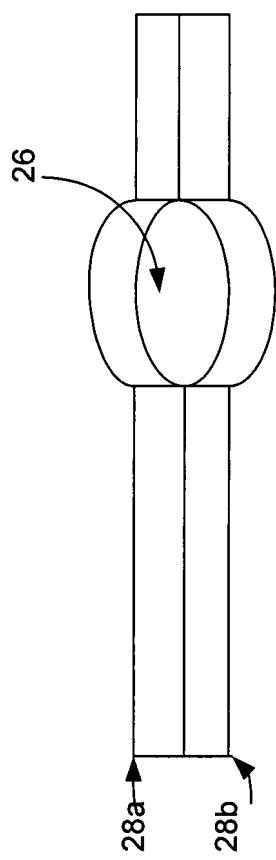


Fig. 3

SPORTS BRA
Inventor: Nancy Jane Sweeney
Sweeney-001
Fig. 2 of 3

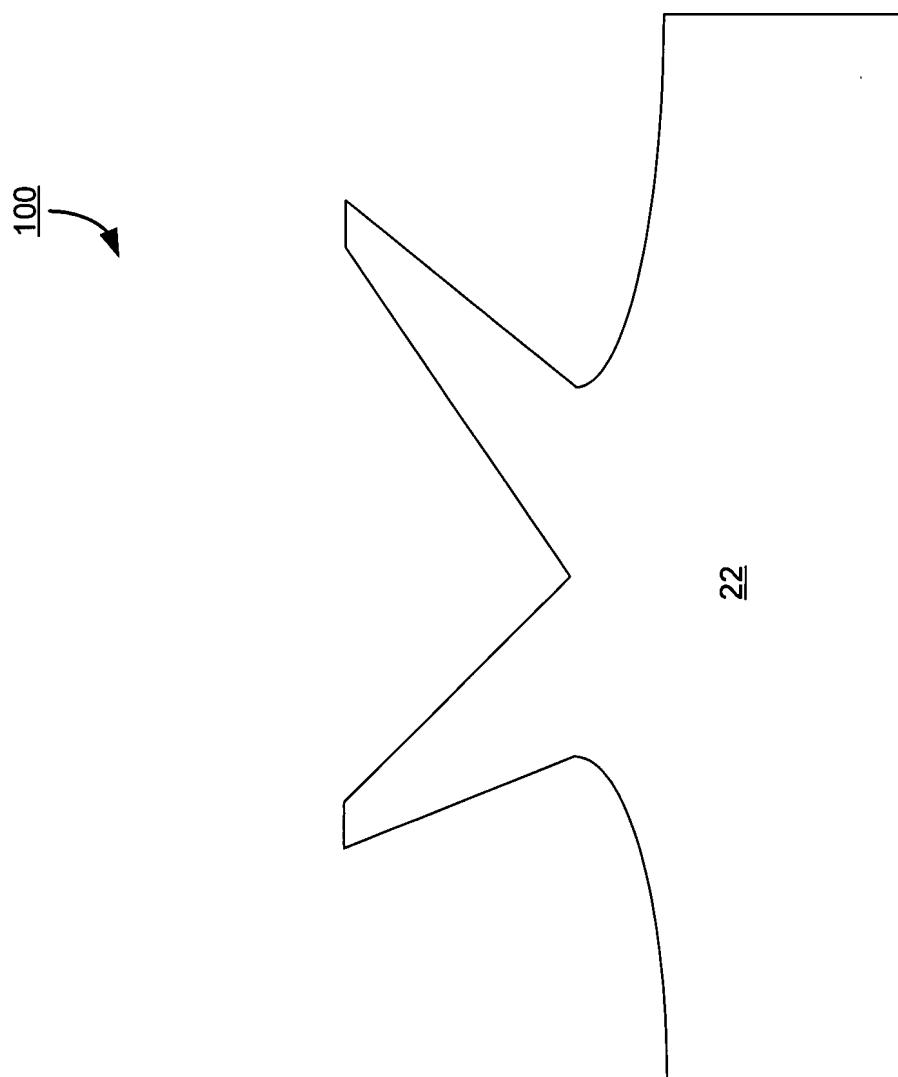


Fig. 2

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	SPORTS BRA
--------------------	------------

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. _____ filed on _____
 As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

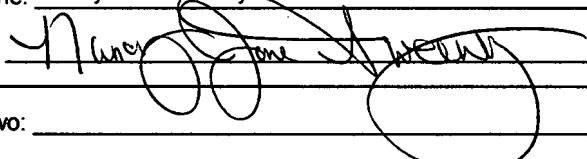
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All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Nancy-Jane Sweeney

Signature:  Citizen of: USA

Inventor two: _____

Signature: _____ Citizen of: _____

Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**POWER OF ATTORNEY
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CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	
Filing Date 4-16-2007	
First Named Inventor Nancy-Jane Sweeney	
Title Sports Bra	
Art Unit	
Examiner Name	
Attorney Docket Number Seeney-001	

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

 Practitioners associated with the Customer Number:

42586

OR

 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The address associated with the above-mentioned Customer Number:

OR

 The address associated with Customer Number:

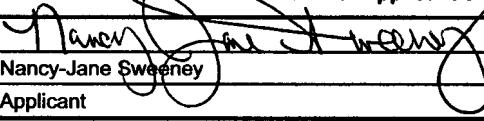
OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature			Date	March 28, 2007
Name	Nancy-Jane Sweeney		Telephone	603.432.0193
Title and Company	Applicant			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION DATA SHEET

Application Information

Application Type: Regular
Subject Matter: Utility
Suggested Classification: Unknown
Suggested Group Art Unit: Unknown
CD-ROM or CD-R?: None
TITLE: **SPORTS BRA**
Attorney Docket No.: Sweeney-001
Request for Early Publication: No
Request for Non-Publication: No
Suggested Drawing Figure: Fig. 1
Total Drawing Sheets: 3
Small Entity: Yes
Petition Included? No
Secrecy Order in Parent Appl.? No

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Status: Full Capacity

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Representative Designation:	Registration Number	Name

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Domestic Priority Information

Application	Continuity Type	Parent Application Serial Number	Parent Application Filing Date

Foreign Priority Information

Country	Application Number	Filing Date	Priority Claimed

Assignee Information

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